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Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PAUL VELASQUEZ, FAVIOLA ALVAREZ,
MARCELO ALTAMIRANO, JACKEY
WILSON II, CARLOS MARTINEZ AND
DIONICIO MARTINEZ on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

HSBC FINANCE CORPORATION;
HOUSEHOLD FINANCE CORPORATION;
BENEFICIAL COMPANY LLC,

Defendants.

CASE NO. C08-04592 SC

**PARTIES' STIPULATION AND
~~PROPOSED~~ REVISED
PRETRIAL SCHEDULING
ORDER**

THIS STIPULATION AND PROPOSED REVISED PRETRIAL SCHEDULING ORDER
is made by and entered into between Defendants HSBC Finance Corporation and Beneficial
Company LLC (collectively, "Defendants") and Plaintiffs Marcelo Altamirano and Jackey Wilson II
(collectively, "Plaintiffs"). Plaintiffs seek to pursue this action as a nationwide collective action on

1 behalf of themselves and all other similarly situated former Account Executives who were employed
2 by Defendants. Plaintiffs also seek to pursue this action as a California state class action on behalf
3 of themselves and all other current and former Account Executives who were employed by
4 Defendants in the State of California.

5 WHEREAS, on January 25, 2010, counsel for Defendants (Seyfarth Shaw) notified counsel
6 for Plaintiffs that they would no longer be representing Defendants in this matter;

7 WHEREAS, on January 29, 2010, counsel for Defendants, Seyfarth Shaw, was withdrawn
8 and was superseded as defense counsel by the law firm of Littler Mendelson (Docket No. 106);

9 WHEREAS, significant class-based discovery remains to be completed, including, *inter alia*,
10 the anticipated supplementation of Defendants' discovery responses as well as additional depositions
11 of certain of Defendants' witnesses;

12 WHEREAS, prior to the change in defense counsel, the parties had been continuing their
13 dialogue concerning outstanding discovery issues—particularly as they pertain to discovery
14 concerning Defendants' California branches;

15 WHEREAS, recognizing the remaining discovery required to be produced by Defendant, the
16 parties stipulated to, and on January 5, 2010 the Court entered an Order granting a 45-day extension
17 of the deadlines in the then current case management schedule (Docket No. 99);

18 WHEREAS, on January 25, 2010, in light of ongoing unresolved discovery disputes, the
19 parties were preparing to submit their second jointly-filed letter to the Honorable Magistrate Judge
20 Maria-Elena James pursuant to Magistrate Judge James' Standing Order Re: Discovery and Dispute
21 Procedures for Cases Assigned or Referred to Magistrate Judge Maria-Elena James;

22 WHEREAS, Plaintiffs agreed to defer submitting the second joint-letter to Magistrate Judge
23 James until new defense counsel has had adequate time to receive and review the file materials from
24 Seyfarth Shaw and familiarize themselves with the current state of discovery;

25 WHEREAS, due to the extent of outstanding discovery which Defendant is in the process of
26 locating, reviewing and producing to Plaintiffs, in addition to the time Littler Mendelson will require
27 to become fully familiar with the current litigation, the dates set forth in the current case
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1 management schedule cannot reasonably be met;

2 WHEREAS, Plaintiffs' Motion for Class Certification pursuant to Federal Rule of Civil
3 Procedure 23 is currently due to be filed on or before February 26, 2010;

4 WHEREAS, Defendants' Opposition to Class Certification is currently due to be filed by
5 April 16, 2010;

6 WHEREAS, Plaintiffs' Reply in Further Support of Class Certification is currently due to be
7 filed by May 17, 2010;

8 WHEREAS, the hearing on Plaintiffs' Motion for Class Certification is currently scheduled
9 for June 25, 2010;

10 WHEREAS, the parties have conferred and believe that an approximate four-month
11 extension of the above dates as set forth in the current scheduling Order entered on January 5, 2010
12 is reasonable and necessary to provide the parties with the time necessary to conclude class
13 discovery prior to briefing class certification;

14 WHEREFORE, IT IS NOW HEREBY STIPULATED AND AGREED that:

15 1. Plaintiffs' Motion for Class Certification pursuant to Rule 23 shall be filed by June
16 25, 2010;

17 2. Defendants' Opposition to Class Certification shall be filed by July 26, 2010;

18 3. Plaintiffs' Reply in Further Support of Class Certification shall be filed by August
19 25, 2010;

20 4. The hearing on Plaintiffs' Motion for Class Certification shall be conducted on
21 September 10, 2010 or such other date as ordered by the Court; and

22 5. Within fifteen (15) days of a ruling by the Court regarding Plaintiffs' Motion for
23 Class Certification, the parties shall meet and confer and jointly submit to the Court a status report
24 regarding their plans for participation in a Court-mandated ADR program and address any other
25 outstanding issues including how much, if any, additional discovery is required; and

26 6. In light of the recent substitution of defense counsel, the parties request that the Court
27 schedule a case management conference at the Court's earliest convenience to enable the parties to
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1 more fully apprise the Court of the current state of the litigation and to set forth a schedule moving
2 forward.

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4 **SO STIPULATED**

5 Dated: February 16, 2010

6 **BARROWAY TOPAZ KESSLER**
7 **MELTZER & CHECK, LLP**

8 By: /s/ Peter A. Muhic

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Counsel for Defendants

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 PAUL VELASQUEZ, FAVIOLA ALVAREZ,
4 MARCELO ALTAMIRANO, JACKEY
5 WILSON II, CARLOS MARTINEZ AND
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8 v.

9 HSBC FINANCE CORPORATION;
10 HOUSEHOLD FINANCE CORPORATION;
BENEFICIAL COMPANY LLC,

11 Defendant.

CASE NO. C08-04592 SC

**[PROPOSED] ORDER
GRANTING PARTIES'
STIPULATION AND REVISED
PRETRIAL SCHEDULING
ORDER**

12
13 The Court having read and reviewed the parties' Stipulation and [Proposed] Revised Pretrial
14 Scheduling Order rules as follows:

15 1. Plaintiffs' Motion for Class Certification pursuant to Rule 23 shall be filed by June
16 25, 2010;

17 2. Defendants' Opposition to Class Certification shall be filed by July 26, 2010;

18 3. Plaintiffs' Reply in Further Support of Class Certification shall be filed by August
19 25, 2010;

20 4. The hearing on Plaintiffs' Motion for Class Certification shall be conducted on
21 September 17, 2010 or such other date as ordered by the Court; and

22 5. Within fifteen (15) days of a ruling by the Court regarding Plaintiffs' Motion for
23 Class Certification, the parties shall meet and confer and jointly submit to the Court a status report
24 regarding their plans for participation in a Court-mandated ADR program and address any other
25 outstanding issues including how much, if any, additional discovery is required; and

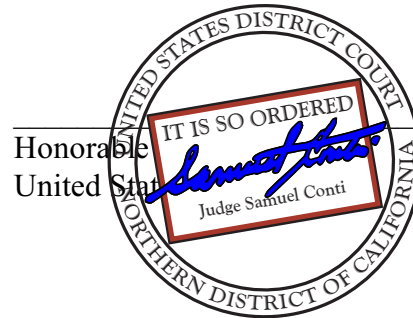
26 6. ~~At the parties' request, and in light of the recent substitution of defense counsel, the~~
27 ~~Court schedules an in-person case management conference on _____, 2010 to~~

1 more fully discuss the progress of the case and other scheduling or discovery matters.

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3 **IT IS SO ORDERED.**

4 DATED: 2/16/10



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